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TC 8-9-01

Jacobson Holman PLLC
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In re Application of GLENSBJERG
 U.S. Application No.: 09/830,558
 Int. Application No.: PCT/DK99/00606
 Int. Filing Date: 05 November 1999
 Priority Date: 05 November 1998
 Attorney Docket No.: P66611US0

COMMUNICATION

For: A SYSTEM FOR REGULATING THE
 HANDLING OF MILK DURING THE
 MILKING PROCESS AND A METHOD FOR
 REGULATING SAID MILKING PROCESS

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371.

BACKGROUND

On 05 November 1999, applicant filed international application PCT/DK99/00606, which claimed priority of an earlier Denmark application filed 05 November 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 18 May 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 31 May 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 07 May 2001 (05 May 2001 was a Saturday).

On 07 May 2001, applicants filed national stage papers in the United States. The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an executed declaration.

DISCUSSION

A review of the application file reveals that the sole inventor is listed in the declaration as Borkur Arnvidarson while the sole inventor is listed on the international application as Martin Glensbjerg.

JACOBSON HOLMAN PLLC
 Response Due On Or Before
 Month / Day / Year
 09 / 07 / 01

37 CFR 1.497(d) (effective 07 November 2000) states,

If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

With regard to item (1) above, applicant has not provided the requisite statements from Arnvidarson and Glensbjerg.

With regard to item (2) above, the requisite fee has not been provided.


With regard to item (3) above, the written consent of the assignee has not been provided.

Therefore, none of the requirements of 37 CFR 1.497(d) have been satisfied.

CONCLUSION

A proper response must be filed within TWO (2) MONTHS from the mail date of this communication. A proper response would include either a declaration properly executed by the inventive entity listed on the international application or the items required by 37 CFR 1.497(d). Failure to timely file a proper response will result in ABANDONMENT of the application.

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.


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